

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:05CR242
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
JOSE JUAN VARGAS,)	
)	
Defendant.)	

This matter is before the Court on the Defendant's motion for an extension of time to correct the deficiency associated with his motion to vacate under 28 U.S.C. § 2255 (Filing No. 130).

The Defendant described the circumstances that make it difficult or impossible for him to comply with the requirement of a certificate of service noted by the Clerk, the government has received notice of the motion through the Court's electronic filing system, and the next step in the process of evaluating the motion is an initial review by the Court that does not require any response on behalf of the government. Therefore, under the circumstances the Defendant is relieved of the requirement to provide a certificate of service, and his motion is denied as moot.

IT IS ORDERED:

1. The Clerk is directed that this Defendant is relieved of the requirement of providing a certificate of service for his motion to vacate under 28 U.S.C. § 2255 (Filing No. 128); and
2. The Defendant's motion for an extension of time to correct the deficiency associated with his motion to vacate under 28 U.S.C. § 2255 (Filing No. 130) is denied as moot.

DATED this 31st day of July, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge